

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: NEW MEXICO

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Citation(s)	Condition or Requirement
A. General Conditions of Eligibility	
Each individual covered under the plan:	
42 CFR Part 435, Subpart G	1. Is financially eligible (using the methods and standards described in Parts B and C of this Attachment) to receive services.
42 CFR Part 435, Subpart F	2. Meets the applicable non-financial eligibility conditions.
	a. For the categorically needy:
	(i) Except as specified under items A.2.a.(ii) and (iii) below, for AFDC-related individuals, meets the non-financial eligibility conditions of the AFDC program.
	(ii) For SSI-related individuals, meets the non-financial criteria of the SSI program or more restrictive SSI-related categorically needy criteria.
1902(l) of the Act	(iii) For financially eligible pregnant women, infants or children covered under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), 1902(a)(10)(A)(i)(VII), and 1902(a)(10)(A)(ii)(IX) of the Act, meets the non-financial criteria of section 1902(l) of the Act.
1902(m) of the Act	(iv) For financially eligible aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

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DATE APP'VD <u>APR 29 1992</u>	
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State: NEW MEXICO

Citation	Condition or Requirement
1905(p) of the Act	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435. c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, meets the non-financial criteria of section 1905(s).
42 CFR 435.402	3. Is residing in the United States and-- a. Is a citizen; b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, as defined in 42 CFR 435.408;
Sec. 245A of the Immigration and Nationality Act	c. Is an alien granted lawful temporary resident status under section 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(1) of the Act, under 18 years of age or a Cuban/Haitian entrant as defined in section 501(e)(1) and (2)(A) of P.L. 96-422;
1902(a) and 1903(v) of the Act and 245A(h)(3)(B) of the Immigration & Nationality Act	

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Page 2 Item 26-3c HCFA ID: 7985E

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State: NEW MEXICO

ATTACHMENT 2.6-A
Page 3
OMB No.: 0938-

Citation	Condition or Requirement
	d. Is an alien granted lawful temporary resident status under section 210 of the Immigration and Nationality Act not within the scope of c. above (coverage must be restricted to certain emergency services during the five-year period beginning on the date the alien was granted such status); or
	e. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (coverage must be restricted to certain emergency services).
42 CFR 435.403 1902(b) of the Act	4. Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.
	<input type="checkbox"/> State has interstate residency agreement with the following States:
	<input type="checkbox"/> State has open agreement(s).
	<input type="checkbox"/> Not applicable; no residency requirement.

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TN No. 89-02 Page 2 Item 4
89-17 Page 3 First 2 lines
HCFA ID: 7985E

STATE	<u>NEW MEXICO</u>	A
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HCFA 179	<u>91-19</u>	

State/Territory: NEW MEXICO

Citation	Condition or Requirement
42 CFR 435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, intermediate care facilities, or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program. <input type="checkbox"/> Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.
42 CFR 433.145 1912 of the Act	6. Is required, as a condition of eligibility, to assign his or her own rights, or the rights of any other person who is eligible for Medicaid and on whose behalf the individual has legal authority to execute an assignment, to medical support and payments for medical care from any third party. (Medical support is defined as support specified as being for medical care by a court or administrative order.)

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TN No. 89-17 *Page 3 Item 586*

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State/Territory: NEW MEXICO

Citation

Condition or Requirement

An applicant or recipient must also cooperate in establishing the paternity of any eligible child and in obtaining medical support and payments for himself or herself and any other person who is eligible for Medicaid and on whose behalf the individual can make an assignment; except that individuals described in §1902(1)(1)(A) of the Social Security Act (pregnant women and women in the post-partum period) are exempt from these requirements involving paternity and obtaining support. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.

An applicant or recipient must also cooperate in identifying any third party who may be liable to pay for care that is covered under the State plan and providing information to assist in pursuing these third parties. Any individual may be exempt from the cooperation requirements by demonstrating good cause for refusing to cooperate.

/X/ Assignment of rights is automatic because of State law.

42 CFR 435.910

7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number).

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TN No. 89-17

Page 3 Item 7

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ATTACHMENT 2.6-A
Page 3b
OMB No.: 0938-

State: NEW MEXICO

Citation	Condition or Requirement
1902(c)(2)	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman, to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.)

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TN No. New Page HCFA ID: 7985E

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A

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ATTACHMENT 2.6-A
Page 3c
OMB No.: 0938-

State/Territory: NEW MEXICO

Citation	Condition or Requirement
1906 of the Act 10.	Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility except for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).

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TN No.

New Page

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STATE <u>NEW MEXICO</u>	A
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Citation

Condition or Requirement

435.725 B. Post-Eligibility Treatment of Institutionalized
435.733 Individuals
435.832

The following amounts are deducted from gross income when computing the application of an individual's or couple's income to the cost of institutional care:

As per OBRA '90
Medicaid eligible

1. Personal Needs Allowance.

veterans in Title XIX nursing homes who have no dependents will

a. Aged, blind, disabled--

receive a maximum of \$90 per month in VAIP, which will be protected in its entirety for the veteran's personal needs allowance.

Individuals \$30

Couples \$60

For the following individuals with greater need--
Up to the first \$100 of income received by an institutionalized recipient in an ICF-MR from employment in a sheltered workshop or other work activity program may be allowed for personal needs, in addition to the \$30 from unearned income.

b. AFDC related--

Children \$30

Adults \$30

Per Section 601 of Public Law 102-568, surviving spouses of veterans who have no

dependents and are in Title XIX nursing homes will also receive \$90 per month in specified in Item B.7. of ATTACHMENT 2.2-A. \$

which will be protected in its

rety as the spouse's personal needs allowance.

435.725

435.733

435.832

2. For maintenance of the non-institutionalized

spouse only. The amount must be based on a reasonable assessment of need but must not exceed the highest of --

SSI level

SSP level

Medically needy level

Other as follows

\$

\$

\$

Spousal Impoverishment

provisions under MCCA 1988.

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December, 1993
State: New Mexico

Citation	Condition or Requirement										
3.	For children, each family member. AFDC level \$ <u>AFDC Standard of Need</u> Medically needy level \$ _____ Other as follows \$ _____										
4.	Amounts for incurred medical expenses not subject to payment by a third party. (i) Health insurance premiums, deductibles and co-insurance charges (ii) Necessary medical or remedial care not covered under the Medicaid plan (Reasonable limits on amounts are described in <u>Supplement 3 to Attachment 2.6-A.</u>)										
435.725 435.733 435.832	5. At the option of the State, as specified below, the following is deducted monthly from any remaining income of an institutionalized individual or an institutionalized couple: An amount for maintenance of the home of the individual or couple for not longer than 6 months if a physician has certified that the individual, or one member of the institutionalized couple, is likely to return to the home within that period: <table><tr><td><u> x </u></td><td>No.</td></tr><tr><td><u> </u></td><td>Yes.</td></tr><tr><td><u> </u></td><td>Amount for maintenance of home is \$ _____.</td></tr><tr><td><u> </u></td><td>Amount for maintenance of home is the actual maintenance costs not to exceed \$ _____.</td></tr><tr><td><u> </u></td><td>Amount for maintenance of home is not deductible when countable income is determined under §1924(d)(1) of the Act.</td></tr></table>	<u> x </u>	No.	<u> </u>	Yes.	<u> </u>	Amount for maintenance of home is \$ _____.	<u> </u>	Amount for maintenance of home is the actual maintenance costs not to exceed \$ _____.	<u> </u>	Amount for maintenance of home is not deductible when countable income is determined under §1924(d)(1) of the Act.
<u> x </u>	No.										
<u> </u>	Yes.										
<u> </u>	Amount for maintenance of home is \$ _____.										
<u> </u>	Amount for maintenance of home is the actual maintenance costs not to exceed \$ _____.										
<u> </u>	Amount for maintenance of home is not deductible when countable income is determined under §1924(d)(1) of the Act.										
1902(1) of the Act	6. SSI benefits paid under section 1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital or NF.										

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DATE	<u>1-25-94</u>
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STATE NEW MEXICO

CITATION

CONDITION OR REQUIREMENT

7. Maintenance standards for community spouses and other dependent family members used to calculate monthly income allowances under Section 1924 of the Act.
- a. Community spouses
- X__1. A standard based on the formula contained in Section 1924(d) is used.
- ___2. The maximum standard contained in Section 1924(d)(3)(C).
- ___3. A fixed standard which is greater than the minimum standard described in Section 1924(d) plus actual shelter costs not to exceed the maximum standard contained in Section 1924(d)(3)(C). The standard used is \$_____.
- b. Other family members who are dependent
- X__1. A standard based on the formula contained in Section 1924(d)(1)(C) is used.
- ___2. A fixed standard greater than the amount which would be used if the formula described in Section 1924(d)(1)(C) were used. The standard used is \$_____.
- ___c. The standards described above are used for individuals receiving home and community-based waiver services in lieu of services provided in a medical or remedial care institution.

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